

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIM. NO. 1:CR-01-0191 -
 : 1:CR-06-0145
 v. : 1:CR-06-0147
 : 1:CR-06-0203
 : 1:CR-06-0228
 :
 : (Rambo, J.)
 CLAYTON LEE WAAGNER :
 :
 : JUL 31 2006

FILED
HARRISBURG, PA

O R D E R

MARY E. D'ANDREA, CLERK
Per Deputy Clerk

AND NOW, this 31st day of July, 2006, upon consideration of the Government's Motion pursuant to Rule 32 of the Federal Rules of Criminal Procedure to Consolidate these Cases for Plea and Sentencing in a single proceeding, and to prepare a pre-sentence report in advance of these proceedings, the Court finds as follows:

1. The defendant is charged in five cases with federal firearms and bank robbery offenses. One of these offenses arises in this district. The remaining four offenses have been transferred to this district for guilty plea and sentencing pursuant to Rule 20 of the Federal Rules of Criminal Procedure.

2. These cases have been transferred to this Court for plea and sentencing under the terms of a binding plea agreement under Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure. That binding plea agreement calls for a stipulated sentence of 400 months imprisonment for the defendant, a sentence which would run

concurrently with the sentences previously imposed upon the defendant, sentences which the defendant is currently serving.

3. Given the binding nature of this plea agreement, the Court finds that the interests of justice would best be served if the defendant consented to the preparation of a comprehensive pre-sentence report prior to any court proceedings. Armed with this pre-sentence report the Court could then make a fully informed decision regarding whether to accept the terms of this binding plea agreement and could proceed to guilty plea and sentencing for the defendant in a single court proceeding.

4. Accordingly, in order to facilitate this process, IT IS ORDERED that:

A. The probation office is directed to commence preparation of a pre-sentence report in anticipation of the scheduling of a single consolidated plea and sentencing proceeding in this case;

B. The United States will provide a comprehensive fact statement relating to these offenses to the probation office to aid that office in the preparation of a report on or before August 18, 2006;

C. The defendant and his counsel shall cooperate in the preparation of a pre-sentence report;

D. Upon receipt of the Government's statement of facts, the probation office will prepare and release a proposed pre-

sentence report to the parties on or before October 6, 2006; and

E. A consolidated plea and sentencing proceeding will be scheduled by the Court upon receipt of the final pre-sentence report in this case.

s/Sylvia H. Rambo
UNITED STATES DISTRICT JUDGE